

### REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated June 2, 2004 are respectfully requested. The applicant petitions the Commissioner for a 1-month extension of time: a separate petition accompanies this amendment.

#### I. The Amendments

Following entry of the above amendments, claims 25-33 are pending in this case. Claims 11-14 and 18 have been canceled. Claim 25 has been rewritten in accordance with the Examiner's recommendations. New claims 26-33 have been added. Claims 26-33 are fully supported throughout the application and no new matter has been added. The following are non-exhaustive examples of where support for claims 26-33 is found in the application: Claim 26: page 15, lines 9-12; page 19, lines 26 and 30; page 117, line 14 through page 124, line 8; Claim 27: page 8, line 2; Claim 28: page 8, line 11; Claim 29: page 8, lines 11-12; Claim 30: page 15, lines 9-12; page 19, lines 26 and 30; page 130, line 10 through page 134, line 2; Claim 31: page 8, line 2; Claim 32: page 8, line 11; Claim 33: page 8, lines 11-12.

Applicants submit that claims 25-33 are in condition for immediate allowance. The following remarks address the Examiner's comments in the Office Action in the order presented in the Office Action.

#### II. Rejections under 35 U.S.C. §112, first paragraph

Claims 11-14 and 18 were rejected under 35 U.S.C. § 112, first paragraph, for lack of written description, alleging that the inventors did not have possession of the invention. Claims 11-14 and 18 have been canceled with entry of this Amendment. Without acquiescing in this rejection and the reasons given therefor, Applicants respectfully submit that new claims 26-33 are fully described in the application. Applicants request withdrawal of this rejection.

III. Rejections under 35 U.S.C. §102

Claim 11 was rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Genseq database accession No: AAQ27436. Claim 11 has been canceled with entry of this Amendment. Without acquiescing in this rejection and the reasons given therefor, Applicants respectfully submit that the reference relied upon by the Examiner is not available with respect to new claims 26-33. Applicants request withdrawal of this rejection.

IV. Rejections under 35 U.S.C. §103

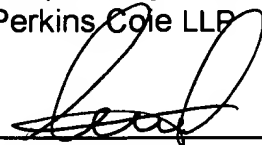
Claims 12-14 and 18 were rejected under 35 U.S.C. § 103 as allegedly obvious over Genseq database accession No: AAQ27436 and further in view of U.S. Patent No. 5,294,548 to McLinden. Claims 12-14 and 18 have been canceled with entry of this Amendment. Without acquiescing in this rejection and the reasons given therefor, Applicants respectfully request withdrawal of this rejection in view of unavailability of the art relied upon by the Examiner with respect to new claims 26-33.

V. Conclusion

Applicants respectfully submit that pending claims 25-33 are in condition for immediate allowance. The undersigned invites the Examiner to call (650) 838-4382 with any questions or comments. The Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-2207.

Date: 10-04-04

Respectfully submitted,  
Perkins Coie LLP

  
\_\_\_\_\_  
Norbert Stahl  
Registration No. 44,350

**Correspondence Address:**

Customer No. 22918  
Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, California 94026  
(650) 838-4300